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ELI LILLY AND COMPANY

16 UNITED STATES DISTRICT COURT
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18 NORTHERN DISTRICT OF CALIFORNIA
19
20 SAN FRANCISCO DIVISION

20 STATE OF CALIFORNIA *ex rel.* JAYDEEN) Case No. 07-cv-04911-CRB
VICENTE and JAYDEEN VICENTE) Assigned to: Hon. Charles R. Breyer
21 Individually,)
22 Relators,) **DECLARATION OF TIMOTHY T. SCOTT**
23 v.) **IN SUPPORT OF DEFENDANT'S**
24) **OPPOSITION TO RELATOR'S *EX PARTE***
25 ELI LILLY AND COMPANY,) **MOTION TO EXCEED THE 15-PAGE**
26 Defendant.) **LIMITATION ON OPPOSITION BRIEFS**
27)
28)

1 I, Timothy T. Scott, declare:

2 1. I am an attorney at law licensed to practice in the State of California and am a partner
3 with the law firm of Sidley Austin LLP, counsel to defendant Eli Lilly and Company (“Lilly”) in the
4 above-captioned matter. I make this declaration in support of Lilly’s Opposition to Relator’s *Ex*
5 *Parte* Motion to Exceed the 15-Page Limitation on Opposition Briefs.. I have personal knowledge
6 of the facts set forth in this declaration and, if called as a witness, could and would competently
7 testify thereto.

8 2. The hearing dates for three pending motions in this case—Defendant Eli Lilly and
9 Company’s (“Lilly”) Motion to Dismiss, Lilly’s Motion to Stay and Relator’s Motion to Remand—
10 are set for December 7, 2007. Because the Thanksgiving holiday falls within the midst of the
11 briefing schedule on these motions, both parties will have only three business days to prepare replies
12 (with Lilly having to file two separate replies), which are due on November 21, 2007.

13 3. If the November 21, 2007 deadline stands, counsel for Lilly will have an extremely
14 limited time period to discuss Lilly’s replies with Lilly’s Indiana-based in-house counsel. Moreover,
15 at least two of the attorneys on this matter for Lilly have had to, or will have to, cancel or modify
16 their Thanksgiving air travel in order to accommodate this schedule.

17 4. On November 14, 2007, I contacted Relator’s counsel and suggested, in light of the
18 tight schedule imposed by the Thanksgiving holiday, that the parties stipulate to additional time for
19 the filing of reply briefs and a re-setting of the hearing date for a week or two after December 7th.
20 Relator rejected this suggestion.

21 5. Late in the afternoon of November 15, 2007, Mark Burton, counsel for Relator,
22 contacted me asking whether Lilly would object to Relator filing a 25-page response brief. I offered
23 to stipulate to the page extension if Relator agreed to my earlier request to move the hearing date to
24 enlarge the time available to respond and avoid the complications created by the Thanksgiving
25 holiday. Relator refused this offer.

26 6. Granting Relator’s request will require Lilly to respond to two briefs, one of them 25
27 pages in length, in less than three business days. While Lilly is prepared to file a reply in response to
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1 a brief adhering to this Court's page limit, it would impose an unnecessary hardship on Lilly and its
2 counsel to respond to a 25 page brief in such a short time period.

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4 I declare under penalty of perjury pursuant to the laws of the State of California that
5 the foregoing is true and correct. Executed on November 16, 2007, at San Francisco, California.

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7 /s/ Timothy T. Scott
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